

Senate File 2031 - Introduced

SENATE FILE 2031

BY JOCHUM

A BILL FOR

1 An Act relating to voter registration by providing for the
2 registration of eligible electors upon review of electronic
3 records received from driver's license and nonoperator's
4 identification card applications, and including effective
5 date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.7, Code 2018, is amended to read as
2 follows:

3 **48A.7 Registration in person.**

4 An eligible elector may register to vote by appearing
5 personally and completing a voter registration form at the
6 office of the commissioner in the county in which the person
7 resides, at a motor vehicle driver's license station, including
8 any county treasurer's office that is participating in county
9 issuance of driver's licenses under [chapter 321M](#), or at any
10 voter registration agency. A For paper registration forms,
11 a separate voter registration form shall be signed by each
12 individual registrant.

13 Sec. 2. Section 48A.8, subsection 1, Code 2018, is amended
14 to read as follows:

15 1. An eligible elector may request that a voter registration
16 form be mailed to the elector. The completed form may be
17 mailed or delivered by the registrant or the registrant's
18 designee to the commissioner in the county where the person
19 resides or to the state commissioner of elections for a
20 program participant, as provided in [section 9E.6](#). A For paper
21 registration forms, a separate voter registration form shall be
22 signed by each individual registrant.

23 Sec. 3. Section 48A.18, subsections 1 and 3, Code 2018, are
24 amended to read as follows:

25 1. Each state motor vehicle driver's license application,
26 including any renewal application or application for a
27 nonoperator's identification card, submitted to the office
28 of driver services of the state department of transportation
29 shall serve as an application for voter registration unless the
30 commissioner of registration determines that the applicant is
31 not an eligible elector or the applicant declines to register
32 to vote after receiving notification under subsection 4A.

33 A completed ~~voter registration form~~ application submitted
34 to the office of driver services of the state department of
35 transportation shall be considered to update any previous voter

1 registration by the registrant.

2 3. Information relating to the ~~refusal~~ decision of an
3 applicant for a driver's license to ~~apply~~ decline to register
4 to vote shall not be used for any purpose other than voter
5 registration.

6 Sec. 4. Section 48A.18, subsection 4, Code 2018, is amended
7 by striking the subsection and inserting in lieu thereof the
8 following:

9 4. *a.* The state voter registration commission shall
10 establish schedules by which the department of transportation
11 shall transmit to the state registrar of voters electronic
12 records containing the legal name, date of birth, residential
13 address, mailing address, and social security number for each
14 person submitting an application under this section.

15 *b.* The state voter registration commission shall establish
16 schedules by which the state registrar of voters shall make
17 accessible or transmit electronic records received under
18 paragraph "a" to the appropriate commissioner of registration.

19 *c.* The state commissioner of elections shall adopt rules,
20 consistent with section 9E.6, for the registration of address
21 confidentiality program participants.

22 *d.* The state voter registration commission, in consultation
23 with the department of transportation, shall adopt rules
24 pursuant to chapter 17A to administer and interpret this
25 section, including rules to establish electronic applications
26 and procedures used by the office of driver services for
27 voter registration purposes, rules to establish schedules for
28 transmission of electronic records and rules and forms to
29 decline being registered to vote.

30 Sec. 5. Section 48A.18, Code 2018, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 4A. *a.* (1) Upon receiving the electronic
33 record for a person under subsection 4, the state registrar
34 of voters shall transmit or otherwise make accessible the
35 electronic record of the person to the commissioner of

1 registration where the person resides. Upon reviewing the
2 electronic record received from the state registrar of voters,
3 along with any other relevant information, the commissioner
4 shall determine if a person is an eligible elector of the
5 county. If the commissioner determines that a person is an
6 eligible elector of the county and is not registered to vote in
7 that county, the commissioner shall notify the person of the
8 separate processes to decline being registered to vote or to
9 declare a political party affiliation.

10 (2) If the person is registered to vote in the county, the
11 commissioner of registration shall use the electronic record
12 and information to update the person's voter registration if
13 appropriate.

14 *b.* If a person notified under paragraph "a" does not decline
15 to be registered to vote within twenty-one calendar days after
16 the commissioner of registration issues the notification,
17 the person's electronic record and the electronic signature
18 obtained by the department of transportation shall constitute
19 a completed voter registration form under section 48A.11, and
20 the commissioner shall register the person to vote in that
21 county. The commissioner shall send an acknowledgment pursuant
22 to section 48A.26.

23 *c.* A commissioner of registration shall not add a person
24 subject to registration under this subsection to a voter
25 registration list until at least twenty-one calendar days
26 after the commissioner has issued notification to the person
27 as described in paragraph "a".

28 *d.* The electronic record and electronic signature of a
29 person who does not qualify as an eligible elector shall not
30 constitute a completed voter registration form under section
31 48A.11 and such a person's application for a driver's license
32 or nonoperator's identification card shall not be considered
33 to be a voter registration application for purposes of section
34 39A.2, subsection 1, paragraph "a".

35 Sec. 6. Section 48A.21, Code 2018, is amended to read as

1 follows:

2 **48A.21 Transmission of forms from agencies and ~~driver's~~**
3 **~~license stations.~~**

4 The state registrar of voters shall adopt administrative
5 rules regulating the transmission of completed voter
6 registration forms from voter registration agencies and ~~from~~
7 ~~driver's license stations, including county treasurer's offices~~
8 ~~participating in county issuance of driver's licenses under~~
9 ~~chapter 321M.~~ All completed voter registration applications
10 in the possession of a voter registration agency, ~~a driver's~~
11 ~~license station, or a county treasurer's office~~ that is
12 participating in county issuance of driver's licenses at 5:00
13 p.m. on the last workday of each week shall be transmitted
14 to the location designated by the state registrar of voters
15 by rule. Procedures or requirements for more frequent
16 transmissions may be specified by rule.

17 Sec. 7. Section 48A.26, subsection 1, paragraph b, Code
18 2018, is amended to read as follows:

19 b. (1) For a voter registration form or change of
20 information in a voter registration record submitted at a
21 precinct caucus, the commissioner shall send an acknowledgment
22 within forty-five days of receipt of the form or change of
23 information.

24 (2) For a voter registration application or change of
25 information in a voter registration record completed pursuant
26 to section 48A.18, subsection 4A, the commissioner shall send
27 an acknowledgment within seven working days of the person being
28 registered under that subsection.

29 Sec. 8. Section 48A.26, subsection 8, Code 2018, is amended
30 to read as follows:

31 8. An A completed voter registration application,
32 improperly transmitted under section 48A.18, subsection 4A, or
33 an improperly addressed or delivered registration form shall be
34 transmitted or forwarded to the appropriate county commissioner
35 of registration within two working days after it is received by

1 any other official. The date of registration shall be the date
2 the completed application or registration form was received by
3 the first official. If the registration form was postmarked
4 fifteen or more days before an election and the registration
5 form was received by the first official after the close of
6 registration, the registration form shall be considered on time
7 for the election.

8 Sec. 9. Section 48A.36, subsection 1, Code 2018, is amended
9 to read as follows:

10 1. ~~Voter registration agencies and the office of driver~~
11 ~~services of the state department of transportation~~ may
12 electronically transmit registration data to the state
13 registrar of voters, who shall distribute the information,
14 electronically or otherwise, to the appropriate commissioner
15 in accordance with rules of the state voter registration
16 commission and the state registrar of voters. The office
17 of driver services of the department of transportation
18 shall electronically transmit registration data to the state
19 registrar of voters as required pursuant to section 48A.18.
20 The state agency originating the registration data shall
21 permanently retain an electronic copy of the form completed
22 by the registrant, including the registrant's signature, and
23 shall develop procedures for the retrieval and printing of
24 that electronic document. A printed copy of an electronic
25 registration document shall be made only upon the agency's
26 receipt of a court order.

27 Sec. 10. Section 331.557A, subsection 5, Code 2018, is
28 amended to read as follows:

29 5. Participate in voter registration according to the
30 terms of [chapter 48A](#), and submit completed voter registration
31 forms to the ~~state registrar of voters~~ appropriate county
32 commissioner of registration.

33 Sec. 11. IMPLEMENTATION OF ACT. Section 25B.2, subsection
34 3, shall not apply to this Act.

35 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,

1 2019.

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EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to voter registration by allowing
6 registration of eligible electors to vote following review
7 of electronic records received from driver's license and
8 nonoperator's identification card applications by county
9 commissioners of registration (county auditors).

10 The bill requires that the office of driver services of the
11 department of transportation transmit to the state registrar of
12 voters (the secretary of state) electronic records containing
13 the legal name, date of birth, residential address, mailing
14 address, and social security number for each person submitting
15 an application for a driver's license or nonoperator's
16 identification card, or any renewal application. Current Code
17 section 321.182 requires that an application for a license
18 or card include an applicant's full name, signature, current
19 mailing address, current residential address, date of birth,
20 social security number, and other information. Under current
21 administrative rules of the department of transportation, an
22 applicant for a license or card is required to provide proof
23 of lawful status in the United States. Also under current
24 administrative rules, a person's signature for a driver's
25 license or nonoperator's identification card application is
26 required to be captured electronically. Under current law,
27 a county treasurer's office participating in county issuance
28 of driver's licenses is required to participate in voter
29 registration to the same extent as a license facility of the
30 state department of transportation.

31 The bill requires the state registrar of voters to
32 transmit the electronic records to the county commissioner of
33 registration of the county where the person resides. The bill
34 requires that the county commissioner review the electronic
35 record and any other relevant information to determine if a

1 person is an eligible elector. If the county commissioner
2 determines a person to be an eligible elector and the person is
3 not registered to vote in the county, the county commissioner
4 is required to notify the person of the separate processes to
5 decline to register to vote or to declare a political party
6 affiliation. If a notified person fails to decline voter
7 registration within 21 days after the county commissioner
8 issued the notification, the bill provides that the electronic
9 record and electronic signature shall constitute a completed
10 voter registration form for that person and the bill requires
11 the county commissioner to register the person to vote in that
12 county and send the person an acknowledgment as required by
13 current law.

14 The bill prohibits a county commissioner from adding a
15 person's name to a voter registration list until at least 21
16 days after the commissioner has issued notification to the
17 person. The bill requires that a county commissioner send an
18 acknowledgment of registration within seven working days of
19 registering a person under the bill. The bill also provides
20 that the electronic record of a person who does not qualify
21 as an eligible elector does not constitute a completed voter
22 registration form. Under the bill, such a person submitting
23 an application for a license or card will not be subject to
24 charges for voter registration fraud under Code section 39A.2
25 for submitting such an application.

26 The bill also grants the state voter registration
27 commission, in consultation with the department of
28 transportation, the authority to adopt rules to administer
29 and interpret the provisions of the bill relating to voter
30 registration at motor vehicle driver's license stations. If
31 interpretive rulemaking authority is clearly vested in the
32 discretion of an agency by statute, the applicable judicial
33 standard of review is whether the rules constitute an
34 irrational, illogical, or wholly unjustifiable interpretation
35 of law by the agency (Code section 17A.19(10)(1)). If

1 interpretive rulemaking authority is not clearly vested in
2 the discretion of an agency, the applicable judicial standard
3 of review is whether the rules constitute an erroneous
4 interpretation of law (Code section 17A.19(10)(c)).

5 The bill makes changes to current law related to address
6 confidentiality program participants under Code chapter 9E by
7 requiring the state registrar to adopt rules for administration
8 of registration for those participants.

9 The bill specifies that a requirement that separate
10 registration forms be signed by each individual registrant only
11 applies to paper registration forms.

12 The bill may include a state mandate as defined in Code
13 section 25B.3. The bill makes inapplicable Code section 25B.2,
14 subsection 3, which would relieve a political subdivision from
15 complying with a state mandate if funding for the cost of
16 the state mandate is not provided or specified. Therefore,
17 political subdivisions are required to comply with any state
18 mandate included in the bill.

19 The bill takes effect January 1, 2019.